

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Arbitration Petition No.16 of 2005

SICOM Capital Management Pvt.Ltd.

Applicants

Vs.

Mr.Siddharth Tandon

Respondent

Mr.Vineet B. Naik with Mr.Amit Karkhanis for
applicants.

Respondent absent, though served.

CORAM: B.H.MARLAPALLE ,J.
March 31, 2006.

P.C.

. Notice on Rule has been served on the respondent but he has not caused his appearance either in person or through an Advocate and consequently this petition is being decided in his absence. Clause 18 of the agreement dated 12/11/2001 states that the disputes, differences, claims or any question that may arise between the parties to the agreement on any clause or in respect of the rights of any of the parties, such disputes, differences, claims or questions shall be referred to the arbitrators for arbitration, one to be appointed by each party to such disputes. In case of arbitrators differing, there is a provision to appoint an umpire by the said arbitrators. The present applicants by their letter dated 14/3/2005 informed the respondent

that they had nominated Hon'ble Mr.Justice M.L Pendse (Retd.) as their arbitrator and called upon the respondent to nominate and appoint his arbitrator as per the said clause of the agreement.

. This application has been presented on 22/6/2005 and there is no reason why it should be kept pending any further and on the face of the fact that the order dated 27/1/2006 passed by this Court has been served on the respondent, as per the office note. It is also stated across the bar that the respondent is contesting other civil proceedings at Pune, through an advocate.

. The petition is, therefore, allowed and Hon'ble Mr.Justice R.M. Bapat (Retd.) is hereby nominated as the arbitrator of the respondent. The arbitration proceedings shall be held at Pune. Rule is made absolute accordingly.

. A copy of this order be forwarded to Hon'ble Mr.Justice R.M.Bapat (Retd.) forthwith.

(B.H.MARLAPALLE,J.)